

Remarks

Claims 1, 3-6, and 40 were previously pending in the application. In the present response, Claim 6 has been canceled. Accordingly, after entry of the response Claims 1, 3-5, and 40 will be pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejection 35 U.S.C. §102

Claims 1, 3-6, and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Nakamura et al. (U.S. Patent No. 5,636,042), herein referred to as “Nakamura”.

Claims 1, 3-4, 6, and 40 were rejected 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Inoue et al. (U.S. Patent No. 7,136,140), herein referred to as “Inoue”.

Of the above-referenced claims, Claim 1 is independent. Accordingly, once allowability of this claim is established, all claims depending therefrom are likewise allowable.

Claim 1 recites, “an insulating substrate having a flat surface; a color filter disposed on the insulating substrate; a transparent electrode disposed on the color filter; a black matrix disposed on the transparent electrode; and, a protrusion disposed on the black matrix and comprising a photosensitive material” (emphasis added).

Contrary to the Examiner’s assertion, the light attenuating layer 311 of Nakamura is not “disposed on the transparent electrode” as recited in Applicants’ Claim 1. The light attenuating layer 311 is dispose directly on reference number 300 (not found in the Nakamura text) or on polarizing plate 433. More specifically, the opposed electrode 341 of

Nakamura is disposed on the light attenuating layer 311 which is completely opposite to structural arrangement of Applicants' subject matter as recited in Claim 1.

In addition, as Claim 1 further recites, a transparent electrode disposed on the color filter and a black matrix disposed on the transparent electrode, structurally Applicants' black matrix 230 is disposed over the color filter 210. However, as indicated above, as Nakamura structure is completely opposite to Applicants claimed subject matter, the light attenuating layer 311 of Nakamura is not disposed on the color portion 321.

In regard, to the Examiner's assertion that "*any material has some photosensitivity*", Applicants respectfully submit that such a statement used in the context of an anticipation determination is without merit and is inappropriate. Such a broad and undefined statement would lead to the conclusion that Applicants' "common electrode 220, which is made of a transparent conducting material such as ITO" might be considered a black matrix because any material including a transparent material has some light blocking capability.

The photosensitive material of the protrusion formed from the black matrix, as recited in Claim 1, "is highly insulating, the resulting protrusions form separate domains very effectively. If the protrusions are conducive, the electric field formed by applying a voltage between the pixel electrode 170 and the common electrode 220 is distorted such that the overall picture quality is reduced" [¶0052]. As such, Applicants' photosensitive material, e.g., its structural and functional contribution to black matrix, is highly significant.

Applicants respectfully submit that in addition to the opposite arrangement of Nakamura's light attenuating material 311 and the opposed electrode 341, the light attenuating layer 311 of Nakamura does not comprises a photosensitive material as recited in Applicants' Claim 1.

In regard to Inoue and overcoming the 102(e) rejection, Applicants filed an English translation of the foreign priority document (Korean Application No. 2005-25465) with the USPTO on November 6, 2003. As such, Applicants foreign priority date of May 12, 2000 should be recognized as being prior to Inoue's U.S. filing date of July 7, 2000.

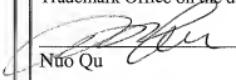
For at least these reasons, Applicants respectfully submit independent Claim 1 and all claims depending therefrom are patentable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §§102/103.

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 50-2257. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

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December 29, 2008
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